SUDGE CLUIR VACATES HIS INSUNC-TION AGAINST CLERK RESTON.

He Came to the Constanton that He Had No. Jurisdiction-Priday's Journal Approved Without Objection, the Clerk Catting the Name of Henry Wolfert - Lieut-Gov, Sheehas Makes a Long Statement in Balenca of His Course in the Contest, and Beciares that the Action of the Clerk and Benator Saxton in Calling the Roll Was a Violation of Law and the Rates Senator Saxton Replies and Afterward Introduces a Resolution to Investigate Judge Unite for Granting the Intraction Against the Clerk-The Greater New York Bill Has Been Advanced to a Third Rending.

ALBANY, Feb. 5. The galleries and the floor of the Senate Chamber were crowded to night with the expectation that the battle over the unseating of Senator McCarty would be renewed. The audience assembled some time before half past S the hour when the Senate meets Senator McCartr arrived early. He did not attempt to take his seat, but went into the Lieutenant-Governor's room. Henry Wolfert, the contestant to his seat, whom the Republican Secutors seated on Thursday, came in and occupied the seat of the Senator from the Sixth district and busfed himself with his correspondence.

The injunction which Judge Clute of Albany county had granted on Friday morning to re strain Clerk Kenyon from calling the name of Henry Wolfert was vacated by the Judge today, so that the Clerk was free to call the roll as he chose. This injunction brought up a number of interesting constitutional questions, which the lawrers of the Senate have busied themselves discussing.

It concerns the power of a Judge to enjoin or grant orders in regard to the Legislature. Fuch power is denied by a number of Sepators. The question has nothing to do with the merits of the controversy, but simply concerns the jurisdiction of the courts. The order was vacated on the ground that the Court had not the jurisdiction which it had assumed and that, no matter what the rights in the case were, it was not a question for the Court to interiore.

While waiting for the Sevate to come to order the crowd became so disorderly that the Lieutenant-Governor had to call on the Sergeant-at-Arms to restore quiet. The journal of Friday was approved without objection, and then Lieut-Gov. Sheebah made a statement which he had prepared on the McCarty-Wolfert case.

THE LIBUTENANT-COVERNOR'S STATEMENT. After quoting from the Constitution and the

rules of the Senate defining the powers and duties of the Lieutenant-Governor, and also quoting the cloture rule recently adopted by

At ten minutes past 11 on the morning of Thursday last the resolution of Senator Pound declaring that Senator McCarty was not entitled to his seat, was read, and debate then began upon its adoption or rejection. This resolution was under consideration until the hour of 3th o'clock in the afternoon. At 3 a o'clock Senator Wolf, who was the princrity member of the Committee on Privileges and Flections. effered a substitute for the original resolution, to the effect that the prayer of Henry Wolfert for the sent from the Sixth Senatorial district be denied, and that John McCarty be entitled to retain his seat. As soon such substitute was read debate began on its adoption or rejection. Blearly under the rule above quoted, the Senate had the right to debate this substitute for six hours from the time of its presentation.

At 5:10, and while the Clerk was reading to the Senate the testimony in the case, Senator Sexton moved to close debate. The Chair held first under the rule this required unanimous consent, which was refused. The Chair was and is decidedly of the opinion that the Senate was entitled to debate the Wolf substitute, which was then the pending question, for the period of six hours from the time of its introduction. It was a proposition just the reverse of the one offered by Senator Pound. It was unlike an amendment, because the adoption of the substitute would have killed the original proposition. It was a separate and independent roposition, and was elearly entitled to be debated for the period of six hours, or, in other words, until 9:30 o'clock in the evening. The vote would first have to be taken on the adoption or rejection of that substitute, and clearly no motion could be made to close debate until

no motion could be made to close detate until
this time hall expired.

It is claimed that the Chair erred in constraing this rule, but after mature deliberation
and after consultation with men well qualified
to pass upon such a question the Chair believes
that this is the proper construction of the
rule, and he asserts it to be the privilege of a
minority when an attempt is made to stifle or
close legitimate debate, to insist upon a strict
and even a technical construction of any rule and even a technical construction of any rule

and even a technical construction of any rule affecting the question.

After the presiding officer had decided that the Senate was entitled to debate the Wolfsubstitute for the period of six hours. Senator Faxton stated that he appealed from the decision of the Chair. The Chair decided that the appeal should not be put, because Senator baxton had raised no question of order (which is undisputed) and that as the rule permitted six hours debate on the substitute, it was the duty of the Chair to enforce the rule. This proposition has been repeatedly held in our Assembly and was always contended for by the Into Gen. Husted.

It is a well-settled principle of partiamentary has unless otherwise prescribed by the

ary hw. unless otherwise prescribed by the rules that an appeal can only be taken from the decision of the presiding officer on a point or question of order. Coshing on legislative assembline says at page 5%:

machibles anys at page 542; theorems importantly interaction of an individual teconies important in certain cases, especially find the quies ion arises on the singuistion of an individual translation, of the president of indicar, and series for the derivation of the president of order and the manufacture of the derivation of the first of the

Assuming, for the sake of argument, that the attempted appeal of Senator Saxton came within this definition of a question of order because it inflected the then present business of the Sonata, clearly the question was not properly raised, and it is not contended that the matter came up in the shape of a question or point of order. If, however, as Cushing anys, the motion had reference to prospective operation, as a matter of order, on the business of the flouse, which was this case under rule #1, giving the right of debate beyond the six hours, it was not a point or question of order, and was not appealable.

Suppose, after the original resolution had

question of appeal. Senator Saxton moved that debate close, and again requested the Clerk to put the motion. This request, as before, was not even first submitted to the benate to ascertain what its judgment on the question was, but the Clerk to plain violation of his duty, put the question, called the roil and determined the motion carried.

Senator Faxton again requested the Clerk to rui the question on the adoption or rejection of the original resolution of Senator Found, ignoring critical resolution of Senator Found, ignoring critical the right of the Senate to vote on the question of the adoption of the substitute, which was clearly the pending question. Again the tlerk put this question and decided it carried, and declared flearly Wolfert entitled to a seat as Senator from the Sixth Senatorial district.

There is no way under the rule that Senator McCarty could be deprived of the right to have the Senator in some way affirmatively pass on the question of his being entitled to the seat. The substitute was clearly in order, and this Senate has not yet acted upon it.

The Chair held at the time, and now holds, that all of those acts were unproceedinged and in clear violation of inwand the rules. There can be no more question as to the right and the power of the Senate to pass upon the elections, returns and qualification of its own members than there is that the Senate, under the same provision of the Constitution, has the right to determine the rules of its own proceedings. In this case the Senate had determined the rules of its own proceedings, and after that determination had been made, much rules within the Senate chamber, until nitered or amended, have the same force and effect as law, and it dees seem to the Chair that in a question involving the constitutional right to membership in this body the rules should be strictly followed and out to suppose the constitutional right to membership in this body the rules should be strictly followed and

seem to the Chair that has question involving the constitutional right to membership in this body the rules should be strictly followed and justly enforced. Before a member is ousted from his seat in this loody he has the right to insist upon the observance of law and an non-est and fair construction of the rules. Subsequently, and on the next day, the Clerk was restrained, by order of the court, from doing any act not authorized either by statute, parliamentary law, or the rules of the Senste, and then, that this order might be circumvented a most flagrant violation of the rules and parliamentary usage was committed by a Senator upon the floor, purfing the question and calling the roll in the presence of the Liceutenant-Governor on two propositions involving the approval of the justice and adjournment.

If there is authority of law for the commis-

Ournal and adjournment

If there is authority it law for the commision of such acts as these, if there is precelent anywhere for such a course, or if such
conduct meets the approval of the people. It
am much mistakes. After all the records of
our State will be the final arbiters of this quesion, and it is for them to decide whether in
his controverse, involving a construction of
the rules of procedure, the majority of the the rules of procedure, the majority of the Sanate were wrong or the presiding officer right.

SENATOR SANTON REPLIES. When Lieut. Gov. Sheehan had finished his attement, which was listened to attentively by every one. Senator Saxton raplied. He asserted that any violation of the rules had not been made by the Senators, but by the If a asserted that any violation of the fules had not been made by the Senators, but by the Lieutenant-Governor.

There had been debate, and after the six hours had expired it was the business of the senate to take a vote. The principle involved was of the majority to rule, and the Lieutenant-Governor stood in the way of the rule of the majority. Senator Saxton quoted from a number of authorities which sustained the position which he took in his argument.

He also justified himself for acting as presiding officer, Clerk, and Secator at the same time on Fridiny. He said that this was made necessary by the injunction which was served on the Clerk. After Senator Saxton had finished his statement Senator O Connor made a statement which was in line with the statement on. The Clerk called the roll with Wolfert's made in the bince of Metarty's. Just before the adjournment Senator Saxton offered a resolution to Investigate the conduct of Judge Ulute, who issued the injunction against Clerk Renyon. This resolution reads:

myon. This resolution reads:

three, John's kenson, the circle of this body, has
comed the senate in regular beasion that an action
is no nonmerced against from in favor of John Necriv as plaintiff by the service of a summons stated
to 2, hose, fastion by Maynard and Gitbert, an affect
that has by said John Settarty, and the copy of an
ier jumperting to have seen misd therein by County
ign 4, if, Cinte of Albany and served upon the circle. nd ... if he order, or a copy thereof, has been pub-ily rend and brought to the attention of the Senate in regular essent; and
Was rea. The order purports to be an inimation, and
assumes to restrain the cierk in the exercise of his
official dates, and thus interfere with any observation

assumes to restrain the ciera in the exercise of his official obtics, and thus interfere with ann observat the proceedings of this body.

Reserved. That the discussry Committee of the Senate be anthorised to investigate fully the racts at ending the making and service of said injunction order and all matters and things connected therewith, and said committee agiven full power to prosecule its investigation in all directions necessary for a full and complete report to the Senate. To send for persons and papers and fer employ counsel and astonearapher.

Kenden, That the committee report with all convenient speed to the senate all the facts associated by it concerning the issuance of the injunction, with such recommendations as in its indexinont the priority increases and the dumity of the senate require and particularly as to whether a breash of the privileges of the senate has been committeed, and it so by whom and moderable errors where.

Senator Saxton asked that the resolution be

Senator Saxton asked that the resolution be taken up at once. Senator Collin objected, but consented that it be made a special order for to-morrow morning.

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IN THE ASSEMBLY.

Every available space in the Assembly chamber was filled when the House was called to order to-night. Col. Dunn, who has been sick at his home in Binghamton, was in charge of the desk as Clerk for the first lime since his election, but Deputy Clerk White did the reading.

The Committee on Elections handed up the testimony in the Richmond county contest. The committee raturally is in favor of unseating the Democrat and seating the Republican. This is the next contest to be taken up after the Gravesend contest.

The Greater New York bill came up in its regular order on the calendar. Mr. Finnegan of irookiyn offered an amendment for the equal taxation of the kings county towns with Brookiyn in case the consolidation scheme should be carried out.

Mr. Finnegan said that the people of Brooklyn were willing to consent to an equal and just consolidation, but they did not want any discrimination. They wanted an equal tax rate throughout.

Mr. Burtis, who introduced the bill, said that all the bill provided for was a vote on the question of consolidation. All of the people of New York, Brooklyn, and the surrounding country should decide for themselves whether or not they wanted to be consolidated.

Mr. Butts of the annexed district opposed the bill. He said that the people in the annexed district did not want to be consolidated.

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Mr. Taylor, Mr. Wray, and other members discussed the question of the tax rate and indebtedness which would result from the consolidation. They were the most recent acquisition to New York has in the problem of the towns which would be included in the consolidation.

Mr. Taylor, Mr. Wray, and other members discussed the question of the tax rate and indebtedness which would he had needed in the consolidation.

The result of the ronacl

After considerable discussion the bill was advanced to a third reading.

These bills were introduced:
behalor lisherteen—Repealing the act providing for a new tity Hall for New York.
Seenator Rice—Appropriating \$10.500 for the purpose of purchasing the Seriale House property at Ringston, senator Owens—Last year's bill legalizing boycoits.
Senator higgins—allowing from the add to provide for the use of the Olmatead bailot distributer at electrons. Senator Parsons - Providing that fifteen or more perion. Mr. Fish. Ratifying the union of the College of Physicians and Surgeons in the city of New York with Co-

Gardiner -- Providing for Iseal option in the sale It travelines—Providing for local option in the sale informating logics.

If Butta—Authorizing the appelintment of official screen and elemegraphers in courts of record in the yellow York.

If show York, the source of the court from its life to the state for expenses of the National Goard account of the awatchines's artis in August, 1882.

If Burtis—Providing that Bearies of Supervisors in agreed countries of the Sales shall have the power alcounties of the Sales shall have the power alcounts of the sales and fraction as a from the country transity. The bill does not affect the form the country transity of the Sales and traveling as a from the country transity. The bill does not affect moraphers of the power in an except the country transity of the bill does not affect the country of courts in seal accounts in a bistrict office, a differ not clean in an dooring framework.

SEIZED BY REPUBLICANS REPOLUTIONARY TACTICS USED B RINGS COUNTY SUPERVISORS,

They Imitated the Senators at Albany to Get Control of the Board-Two Clerks Suspended and Chief McKane Beposed, The Republican Supervisors in Brooklyn resarday initiated the revolutionary proceedings of the Republican Senators in Albany in order to seize control of the Kings County Board of Supervisors. To do this they put Fred Linde in the Eighth ward seat and suspended the clerk and the assistant clerk. The job was accomplished amid confusion never equalled at a meeting of the Board. It was a matter of surprise to some of the speciators that a

rough-and-tumble fight was averted. Ever since the election there has been keen contention for control of the Board. The conroversy hinged on the Highth ward seat. Mr. Kehoe, a Democrat, was elected by the old Board of Altermen to fill a vacancy caused by the death of the regularly elected Supervisor, objection. At the close of the year he resigned and was reflected by the Aldermen for another year. The Republicans denied his right to the elected Fred Linde, a Republican, in his place, Kenoe was in the seat at the first meeting of the new Board of Supervisors, and Clerk Farrell called his name and recognized him against the protest of Supervisor-at-Large a majority of one, and they organized by reelecting John Y. McKane, the Gravesend chief,

a majority of one, and they organized by reelecting John Y. McKane, the Gravosend chief,
as President pro tem. The matter was taken
before Justice Cullen of the Supreme Court,
who decided against Keloe, but did not pass
upon Linde's right to the reat. Then they,
I lower ordered a special election in the Eighth
ward on Fob. 28.

The Republicans determined to put Linde
in the disputed seat at once and seize control
of the Board. At the meeting yeaterday the
fifteen regularly elected Republican Supervisors were present with Mr. Linde and Mayor
Schieren, who is ex-efficio a member of the
Board. They thus mustered seventeen, a majority of one. No homoeratic Supervisors were
most capacity, and half a dozen policemen
were on band to pressive order.

The excitement began as soon as Clerk Farrell called the name of Kehoe, instead of
linde. The cierk after calling the roil announced that no quorum was present. A howl
of dissent went up from the lobby, followed by
cheers from the Jemocratic adherents. Supervisor Dike of the First ward demanded that
the clerk should cail Linde's name. Supervisor-at-Large Fitchie ordered him to do so.
Clerk Farrell explained that Linde's name
was not on the roil and that he bad no right to
put it there except by a vote of a majority of
the Board. Such a majority not being in attendance, it was impossible for him to obey
Mr. Fitchie s order. The clerk a firm attitude
aroused fresh cheers and hisses. Supervisorat-Large Fitchie excitedly asked him if he refused to do his daty as clerk.

I stand ready to obey the majority of the
Board, replied Mr. Farrell. The majority
has not disposed of Mr. Kehoe. His name is
still on the list of members, and therefore I
can't substitute for it that of Linde."

Mr. Fitchie again ordered him to call Mr.
Linde's name. Mr. Farrell insisted hat he had
no right to de so except by the vole of a majority of the Board.

Supervisor Donovan, in tones almost loud
enough to reach the ears of John Y. McKane,
who was winding up his consecution.

jority of the Board.
Supervisor Donovan, in tones almost loud enough to reach the ears of John i. Mekane, who was winding up his cross-examination in the Court of Oyer and Terminer up stairs, shouted.
The clerk seems determined to follow in the track of the rabble of the man who for filteen years has had his lusty land on the threat of the public, and to forget the lesson of the late election.

This produced another outburst in the lobby. Mr. Fitchis made another unsuccessful effort to induce Enred to put Lindes name on the roll and then appealed to Matthew T. Dowden, the assistant clerk. The latter also refused to comply with Mr. Fitchie's orier. Then Supervisor Wasmuth moved to suspend the clerk and the assistant clerk for insubordination, and to appoint Supervisor Pike as temporary clerk.

oferk.

On this motion Clerk Farrell called the roll.
and announced the failure of the resolution,
no quorum heing present. Supervisor Dike,
trembling with excitement, stepped up to the
desk and demanded the surrender of the books
and paperafrom the clerk. Mr. Farrell showed
the decuments over to his assistant. While trembling with excitement stepped up to the desk and demanded the surrender of the books and paper a from the clerk. Mr. Farrell shoved the documents over to his assistant. While the spectators were worked up to a high pitch, in expectation of a fight. Supervisor Dike ascended the rostrum and took a seat heside the Supervisor Large. The latter said the election of a Fresident pro tem, was in order.

Supervisor Large. The latter said the election of a Fresident pro tem, was in order.

Supervisor Dike, as clerk, began to call the roll. Clerk Farrell also started to do so. Owing to the uproan neither could be heard. The double roll call was repeated five times, Dike calling landes name and Farrell calling Kehoes. Farrell alwars managed to be a second or so ahead of Dike when the Eighth ward was reached. All through the roll call the spectators kept up a continuous din of cheers and hisses and Mr. Fitchie steadily tounded on the deak with his mallet. Finally Mr. Fitchie threatened to have clerk Farrell removed by the policemen unless he desisted from his tactics. The policemen stepped forward and their presence had a quieting effect. In a full in the storm Supervisor Diks insied the roll call, and declared the resolutions suspending the clerks and making Supervisor Boyl Fresident pro tem, in place of McKane had been carried by 17 votes. Clerk Farrell hat the last word by announcing that the resolutions had been lost, no quorum voting.

The Republicans then ousted John B. Meyen-

voting.
The Republicans then ousted John B. Meyen-The Republicans then ousted John B. Meyenburg from his place as counsel to the Board and elected George F. Elliott, a Twentieth ward Republican, to succeed him. A resolution was also adopted complimenting Serators Owens. Bradley, and Reynolds upon the stand they took at Albany in unsesting Senator McCarty. On motion of Mr. Linde, it was arranged that the Board should enter into a contract with Sheriff Buttling for the transfer of prisoners between the jail and the courts. Then the Board adourned until Monday next. Meanwhile it is expected that the courts will be asked to stop all further proceedings pending the special election.

WHAT ARE THEY DOING, ANY WAY?

ing Ti-day. "What are you doing?" the Rapid Transit Commissioners were asked yesterday when their bill for \$14,593 for expenses was presented to the Board of Estimate and Apportionment. The Board wanted to know what sixteen men were doing, and they couldn't see that anything was being done. After discussion, the Board decided to pay \$4,000 to the men who are employed by the day, and the

investigation. There are fifreen men on salaries, who have not received their December salaries, and three people in the office, one a man with a family dependent on his small salary, have not been paid for five months, and don't know what redress they have.

The Commission will not meet to-day, as was expected. Mr. Steinway is sick and Mr. bashe will be out of town. It is reported that he is going to Albany possibly on matters pertaining to the work of the Commission. Mr. Steinway said vesterday that the prospect for an underground road is less hopeful than it seemed a week sgo. He thought the chances of getting the Mayor to withdraw his opposition to the Wilson plan are poor.

It was reported that the syndicate, in behalf of which Mr. Edward Lauterbach appeared before the Commission to say it would take hold of the Binshe elevated plan, his recently received additional strength. Mr. Lauterbach said that he was capable of doing what he had told the Commission he could do and that he is still more capable at the present time. not received their December salaries, and

was this case unduer rule of Lyching the right of debate herond the six hours, it was not a point or election of order and was not a point or least to the board of six hours, was not a point or least to the consideration of three hours.

Suppose, after the original resolution had been under consideration for three hours that unserting and the Chair had lead that under the rules at hours was permissible related that the rules at hours was permissible related to the six hours was permi

Mr. Gence's Committee of 118 Tee Mespre

Charles S. Fairebild's announcement of the ommittee which is to organize ex-Mayor Grace's political faction in this city was not halled with joy by the Hon. William F. Grote of the Sixth district, the Hon. Jake Kunrenmann of the Tenth, Denis Burns of the Second. Daniel E. Dowling of the Fourth, M. J. Spellman of the Twelfth, and Peter Rush of the Twenty-first, who do not like to be forgotten. Kunzenmann has the only anti-Tammany organization in the Tenth. Henry Allen, who posed as County Democracy leader in that district when there were no County Democrate there, represents the district on Mr. Fairchild's committee. One of the ex-Alderman's friends said yesterday:

Wottell's Grace mean? Here Jake's got all de votes, and Grace gives de honors to Allen. Say, dat feller sin't good for ten votes. It's been bad enough waitin' fer Cleveland to hand out de places. Waitin' might be easier if we had Jake on dat committee, and knew we was goin' to get de places when dey did

we was goin' to get de places when dey did come."

Wot's de matter wid Fatty?" asked a lieutenant of Mr. Grote's. Ain't he as good as Tom tostigan; ain't he as good as Johnny Happenhagen. Tom Culkin, Hilly Snell, and dat crowd: Ain't he good enough to go onto a committee along wid 'em? He can show more votes on election day dan enny one of 'em. Mebbe dey don't want votes. Mebbe it's only respectability dey's lookin fer. If it is, why didn't dey git James C. Carter, John E. Farsons, and de rest of dat City Club gang? Why didn't dey capture Theodore. W. Myers? don't see dem on de committee."

Grote himself said, sorrowfally: "Where do me and Jake come in."

In the Fifth Assembly district, where ex-Aiderman William Clancy is looking after his own interests and nursing the New York State Democracy movement, there is a similar feel-

own interests and nursing the New York State
Democracy movement, there is a similar feellag of dissatisfaction. There as classwhere
among the men who are looking for little Fedoral places there was a feeling pretty generally
expressed that the kickers of the Twenty-first
and Twenty-third Assembly districts and the
men who want the big Federal plums have too
great a representation on the committee.

The committee is notable for the names of
Anti-Tammany Democrats that are not on it.
Among these, heades those already referred
to is that of William B. Hornblower, who is
represented, however, by his law partner,
James Byrne. Then there is william M. Ivine,
who is so busy preparing political legislation
for Mr. T. C. Platt that he has no time to attend
to Democratic factional politics; Charles J. who is so only preparing political legislation for Mr. T. C. Platt that he has no time to attend to Democratic factional politics; Charles J. McGee, who keeps the mortusary flame Durning for the County Democracy since Charles A. Jackson deserted the post of gasman; Shipping Commissioner Maurice J. Power, who might find it inconvenient to stay on the fence if the Hewitt-Cooper element should get at odds with the Grace-Fairchild combination; exactly the state of the most bitter of the antishapper contingent in 1802, and ex-Assemblyman James F. Higgins of the Fifteenth district. Announcement was made yesterday that the committee list isto be amended by the addition of another ex-placeholder, ex-Alderman Henry Fiegenheimer of the Seventh district, whose name was emitted through error. Hesides, 100 and 13 was thought to be an unlucky combination.

LOGANS WANT SOMETHING.

And They Announce that If Tammany Won't Give it Trees'll Take It. President Martin Engel of the Logan Club sounded the war cry of that organization at a meeting held last night in the club rooms, corner of Ludlow and Grand streets. The cry "We want something, and we're going to get it." He made a little speech, in which he said:

"This club has grown to be a political factor in the Fifth Assembly district, and by next November it will be found to be a mighty important factor. We hold the balance of power in the Fifth district, and we're going to nominate a candidate there who will wip. We will man the poils in every election district, and we'll do all the work with our own money, asking no odds of anybody. Only to-day I told the Tammany Hall lead-rof the district this, and you know me well enough to know that what I say goes. We propose to runone of our members either for Alderman or Assemblyman, and if Tammany Hall refuses to endorso thim be'll be nominated as an independent candidate."

men are Denis F. Cray, Richard Dalton, Huhert L. Casey, Daniel Hurley, and James J.
Conlin. Most of these men have been employed at the juil for five years, and Dalton has
been a keeper fourteen years.

Sheriff Clancy said yesterday that they had
been in office too long and had formed a little
ring of their own and were running the hall
to suit themselves, attending to duty and
taking holidars when it pleased thom. The
Sheriff said he had discovered the existence
of this state of affairs by making unannounced
visitato the hall. He says that discipline at
Ludlow street jail is likely to be improved by
the dismissal of the keepers. The places to be
filled are worth \$1,000 a year.

Cowle Is Against Milhelland,

James A. Cowie's Lincoln Union in the Ninth district has cast in its lot with Fred Gibbs in assisting the Union League Club Committee of Thirty-three to reorganize the Patterson machine and giving Milholland the go by.

The voice of Robert Miller was the only one raised at a meeting of the regular Republicans of the Seventeenth district last night against a resolution providing for the election of delegates to the Milhelmad Convention to be held in Cooper Union on Friday night.

Gov. Waite Scores a Point, DENVER, Col., Feb. 5.-Gov. Waite has triumphed and the extraordinary seasion of the State Legislature is in session and doing business. The Senate majority to day passed a resolution to consider the bills passed by the House, but,decided not to allow any new bills

Accusations Against a City Marshall City Marshal Morris W. Cohen, who is at-

tached to the Ninth District Civil Court, was arraigned in the Yorkville Court yesterday on a charge of levying upon the property of a person other than the one named in the execution. On Jan. 20 Cohen went to the grocery store of Mrs. Catherine H. Harris at 1,34H First avenue to levy on a judgment of \$71 se-cured against Henry Harris, the shookeeper's husband. husband.

To convince Cohen that she was the owner of the store she produced a bill of sale, executed by t. A. Waterman to her on Dec. 11, for a cash consideration of \$1.80s. Marshai Cohen declared the instrument valueless, and proceeded to serve the execution. He took \$20 from the cash drawer, and left his assistant in charge of the premises. charge of the premises.

The case was continued until to-morrow.

Scrofula

is Disease Germs living in the Blood and feeding upon its Life. Overcome these germs with

Scott's Emulsion 4 8 1

the Cream of Cod-liver Oil, and make your blood healthy, skin pure and system strong. Physicians, the world over, endorse it.

Bon't be deceived by Substitutes! Propagat by Scott & Bowns, S. Y. All Dauggista

OROTH AND RUNSENMANN LEFT OFF. WERTS REFUSES TO SIGN The Testimonials

FOUR BILLS PASSED BY NEW JER-SEY'S HOUSE AND RUMP SENATE, On Their Format Preventation-Hancock and Swain Put Forward as Republican Nomi-

nees for C imptroller and State Treasurer. TRENTON, Feb. 5. - The House Committee on passed bills took to Gov. Werts to-night the four bills which went through that body and the Republican Senate. They were the bills repealing the race track and bookmaking laws of last year, and those dealing with the County Excise Commission and Secretary of Prison Inspectors' Salary laws. The Governor re-fused to receive the bills, and declined to sign them, whereupon the committee left them upon his table and withdraw. Subsequently Chairman Cross reported the committee's action to the House, saying that the bills had been regularly passed by the House and Sen-

ate, as appeared by the certification thereon. Assemblyman Beekman, a Democratic member from Middlesex county, insisted that the committee should give some reason for the Governor's refusal to sign, and wanted to know whether the bills had been passed by the comstitutional Senate, or the other body. The latter was not a legal body, and had no right to act. The Senate appeared to him like the

act. The Senate appeared to him like the Siamese (wins.

How is that?" inquired Eissele of Essex.

One is 11 and the other only 10."

Oh, one's only a little bigger than the other responded Beekman.

The Speaker ordered the report spread upon the minutes of the House. The House acopted a resolution directing the State Treasurer to report what moneys arising from the sale, or rental, of Riparian lands had been diverted from the school fund since March 1889, and advanced to third reading the bills probibiting telegraph companies from transmitting race track news, and revoking all licenses heretore granted to race tracks.

telegraph companies from transmitting race track news, and revoking all licenses heretolore grantest to race tracks.
Daly of Hudson and Martin of Hunterdon were attent from the Democratic Senate tonight, and that body adjourned until morning. Martin is seriously ill at his home. The Republican Senate did nothing but advance to third reading twelve of the reform bills which have already passed the House.

After adjournment the friends of the rival candidates for State Treasurer and State Comptroller devoted their attention to the joint caucus, which was called for tonight, to). Dickinsen of Hudson, candidate for Comptroller, and David H. Daird of Camden, candidate for Treasurer, wanted the caucus postponed, and in their efforts they were added by some of the Republicans, who thought it better to defer action until the Senate fight is adjusted. Hancocks of Mercer and Swain of Essex were urgent for the caucus, as the new combination between the caucus as the new combination between the caucus as the new combination between the caucus as the new combination between the senate of Baird was gaining strength.

drawal of Baird and Dickinson, as their success, it was urged, would split the party in the State.

The Hancock and Swain men were successful in forcing the caucus and soon alterward it was announced that Baird had retired from the coniest. The caucus nominated William S. Hancock of Trenton for Comptroller and George R. Swain of Newark for Treasurer. But one ballot was taken, though the caucus lasted until nearly midnight.

There is a difference of opinion to-night as to whether the joint meeting to-morrow will elect as there is a disposition to defer the election for a time, in the hope that the Senate share will be settled.

FAILURE OF THE CARBON KING. Simon Desent Makes an Assignment with

About \$300,000 Liabilities Simon Dessau, importer of carbon and bortz at 4 and 6 John street, made an assignment resterday to Leon Lewin, giving preferences for \$87,434 as follows: Sophia Dessau, \$22,005; Amelia, David, and Morris Dessau, each \$2,230; estate of Joseph Jessuran, St.512: Hyman Israel, \$22,800; Hyman Israel & Sons, \$8,000. The preferences to Mr. Israel are to protect him against endorsements and also on a bond we'll do all the work with our ewn money asking no edds of anybody. Only today I told the Tammany Hall lead-rof the district this and you know me well enough to know that what I say goes. We precome to run one of our members either for Alferman or Assemblyman and if Tammany Hall refuses to endore limb the clip be nominated as an independent candidate.

Method was not interested in Fifth district of the country when the triple was not interested in Fifth district follities.

Method was not interested in Fifth district yet, reforted President Engel. Let's take one district at a time. Let's go in where we can win, and concentrate our forces there.

Fingel's remarks were loudly cheered by his band of political privateers.

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Sheriff Clancy Found that They Thought the work of the way. This does not include the equilities are, but thought the owner of 140 and 170 libradway, 702 to 708 finadway, and other property which he closing of misses about twenty years. Geograe were in business about twenty years. Geograe were in bus for \$10,000 which he made on behalf of Mr. Dessau to the trustees of the Sailors' Snug salesman of Mr. Dessan had lost \$30,000 worth of black diamonds between M. Lonis and Cincinnati. Mr. Lewin said yesterday that a part of the diamonds were alterward recovered.

George B. Hanford, doing matness at 220 Lewis street and residing at South Grange, made an assignment resterday to Albert B. Morstadt, Mr. Hanford, it is said, was identified with the paper trade.

Matthew S. Chambers, wholesale, and retail denier in wines and liquors at 16 Warren street, made an assignment yesterday to Andrew G. Cheney of Brooklyn without preference.

John W. Eilehardson, merchant tailor at 100 John W. Richardson, merchant tailor at 100 Fullon street, made an assignment yesterday to lufus T. Griggs without preference.

The motion of several of the foreign creditors of the firm of Abe Stein & Co. The leather house, for the continuance of injunctions restraining the Hank of America, the Hanover National Bank, and the Hide and Leather Bank, from disposing of property in their bands, which they hold as collateral security for loans, was denied yesterday by Judge Truax. If the property was not Stein's, but belonged to the plaintiffs, Judge Truax savs the plaintiffs have their remedy at law.

LIEBMANN BROTHERS' SUSPENSION The Brooklyn Dry Goods Frm May Re-

some Bustness This Week. Chancellor McGill of New Jersey yesterday appointed John S. McMaster temporary re ceiver of the Liebmann Brothers Company, the large dry goods firm in Brooklyn that susrended on Saturday. The application was
made by Liebmann Brothers, who are the
principal chareholders of the company, which
is a New Jersey corporation. Mr. McMaster is
a member of the law firm of Dickinson. Thompson it McMaster, and is took vert's private
secretary. The appointment was made to
protect the interests of the conditors and
to prevent certain officers and directors
from interfecing with the lusiness. Justice Gaynor, in the supreme court in Brookiyn, appointed Mr. McMaster and Herman
Liebmann receivers of the concern in this
State and fixed their bonds at \$25,000 each.
The local amount of the attachments against
the firm is \$115,294.78. The total limities
are given at \$425,000 and the assets at \$260.

Out. There is to be a meeting of the creditors
to-day. It is thought that husbness may be
resumed before the end of the week. The 368
employees have been notified to hold themselves in readiness to return to work. large dry goods firm in Brooklyn that sus-

. Old Houses Go to the Wall, The daily reports of failures in the past week

have drawn attention to the many old-lime houses that have been forced to the wall. There were seven houses in this city whose failure was reported which had been in husiness over a quarter of a century and one which had weathered the atoms of sixty years. The following were the old bulkes menioned: WA it Stout & Brother, hides and skins at 37 Spruce street. 60 years. Corising take wagen manufacturer, 186 has slavy-fourth street, 40 years. Angell & 40, dry goods packers, 44 Hudson street, 47 rears. Theodore Patet & Co., importers of glassware. 26 Barclay street, 46 years. William Legert & Co., wholesale dealers in tobacco, 245 Fearl street, 35 years. Thomas Loton, dealer in fruits and wines 104 Broadwer, 50 years; M. L. Buttgenbach, dealer in leather goods, 58 Cortlandt street, 27 years. here were seven houses in this city whose

Want the Receiver Bemoved. An application was made to Justice Andrews

of the Supreme Court resterday in behalf of some of the creditors of the H. M. Silverman Company for the removal of the ancillary receiver of the computer. Charles M. King, who was appointed to look after the firm a sflar in this State, and in conjunction with lie-ceiver McCesorge, who was appointed by the Charles of New Jersey. The creditors allege that hing and McGeorge are brothereinalew, and that the former, while general as algues and treasurer, deem moneys belonging to the firm in an irregular manner and in other ways defrauded the creditors. Justice Andrews reserved his decision.

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HOOD'S Sarsaparilla CURES

Hood's Pills are hand made, and perfect in proportion and appearance. 25c, per box.

SALE OF THE WYANT PHINTINGS.

A Total of \$17.900 Paid for Haif of the Cotteetton-The Rest to He Soid To-night. The sale of the raintings of the late A. H. Wyant, N. A., opened auspiciously in the Fifth Avenue Art Cialleries last night. Seventy-two paintings were sold for a total of \$17,900, which was considered very good for the pres-ent hard times. The auction room was filled with appreciative and at times enthusiastic

with appreciative and at times enthusiastic buyers.

The bidding began briskly and was well austained. The highest price obtained was \$1,000, at which flgure the Union League Club purchased. The Valley of the Housatonic." For the same price George A. Hearn obtained a striking work, "Moonlight and Frost." The Sonit Vale, was sold for \$500. Other of the more noticeable nieres sold were. A Booky Ledge In the Adirondacks. "for \$525; "Sketch in the Woods at Sunset," \$189; "Sunlight Through the Clouds." \$450; "Woodland." \$380; "A Summer Day," \$430; "Solffude Adirondacks," \$520; "Clearing After Rain," \$330. The rest of the paintings, seventy in number, will be sold to-night. The sale is made by the executors of the estate. In an introductory note Mrs. A. L. Wyantsays that this is the first and will be the only collection of Mr. Wyant's paintings which will be sold.

TWO HUNS STARRES BY A THIRD. One May Die-The Stabber, Who Lay is Ambush for Them, Captured,

PERTH AMBOY, N. J., Feb. 5 .- Joseph and Michael Berlowozky, Hungarians, were stabbed this morning at 11 o'clock by Mike Hraczak, the two Berlowookys on Sunday night, and had been ejected from their house by them. He been ejected from their house by them. He went back this morning armed with a large knife, and hit himself in the ball. When the two Berlowezkys, who are uncle and neptew, came out to view the parade of the National Slavonic Society, which was passing, Hraczak lenged from his hiding liace and turied his knile in the breast of the cider man, Joseph Berlowezky. Then turning on the other, he slashed him about the face and throat. Chief Burke and Folicemen Bunham and Mulligan captured him soon after his taking to flight.

Joseph Berlowezky's wound may prove fatal. He was sent to St. Michael's Hospital. Newark. The younger Berlowezky will probably recover.

BROOKLIN'S FLAT-HOUSE FIREBUG. Three More Fires Star ed at the Foot of

Three fires occurred last ovening in flat buildings in Brooklyn, and all are supposed to have been of incendiary origin. The first was in the four-story flat house at 1,234 Bedford in the four-story hat house at 1,234 Bedford avenue. The fire started at the foot of the dumb waiter. The total loss was \$2.500.

The other lives were at 577 and 583 Franklin avenue, and were put out before the flames gained any headway. Both were started at the foot of the elevator shalt. Three hoys were seen leaving the last building a few minutes before the fire was discovered.

University of Vermont Alumni Dine, Forty alumni of the University of Vermont spent two hours last night at the Buckingham Hotel discussing the fancy dishes of a good dinner, and later listened to some oratory of a soothing order. Ex-Collector Joel B. Ehrhardt, who was toast master last year, was present, but made no speech. John H. Converse was toast master, and speeches were made by President M. H. Buckham of the university, the liev. Philo T. Leuvins, Prof. A. P. Grinnell, Judge William Ware Peck, and Darwin P. Kingsley. W. C. Flanders talked to the alumni about athletics and stirred them up to a degree of enthusiasm. John J. Allen was elected Prosident. Dr. W. G. T. Shedd and the Rev. Lewis Francis were elected Vice-Presidents, and Charles Whiting Baker was chosen Secretary. The election was spirited, and some unexpected changes were made in the regular ticket. soothing order. Ex-Collector Joel B. Ehrhardt.

Killed by a Horas Car. Joseph Eissenbauer, aged 14, who lived with his parents at 1,120 Hancock street, Brooklyn. received fatal injuries last evening by being run over by car No. 94 of the Reid avenue line

at Broadway and Willoughby avenue. The
boy was trying to run across the street behind
a car going in the opposite direction.
The driver of the field atenue car, Charles
Dominiek, of N25 Herkimer street, tried to
stop the car, but it was too late. He and the
conductor, Patrick Murphy, were arrested.

WINNIPEG, Feb. 5 .- H. A. Hackett and his son have been here for some weeks without any apparent reason, and to-day they were ar-They are wanted at Farmington, Me., name, of stealing between \$10,000 and n a charge of stealing between \$10,000 and \$1,000 worth of bonds.

They had \$10,000 worth of the bonds in their possession and were attempting to negotiate them at one of the city banks. An officer is now on the way from Maine to institute extra-dition proceedings.

Ba four Threstens to Squeal,

LONDON, Feb. 5 .- The Times publishes an interview with Jabez Spencer Balfour, now under arrest in the Argentine Republic awaiting extradition to Great Britain, where he will be tried for complicity in the Liberator Building Society frauds. The Ismes's correspondent says that Baifour declared that he was preparing a statement that would incriminate several public men in the frauds. Halfour also expressed his confidence that the Argentine law will prevent his extradition.

An Industrious Swindler,

COPENHAGEN, Feb. 5 .- Albert Walton, 34 years old, a native of New York, who at one time was agent of the British Mercantile Guide, has been arrested here for swindling. It is said that over 100 mer hants have fallen victims to his operations. These merchants belong to Hamburg, Berlin, Switzerland, and Russia.

More Trouble in West Africa.

LONDON, Feb. 5, A despatch from Sierra Leone says that a datachment of British military police encamped in the Sofa country were re-cently fired upon by a French force. The brit-ish returned the fire and killed six of the French lore. Several of the attacking party were captured.

Notes of Foreign Happenings. ord and Lady Aberdeen left Quebec yester-for their home in Ottawa. Fight men have been arrested for forging and uttering at the lingue and in Amsterdam, notes on the thank of the Netherlands. The forgeries are said to amount to 227,000 guild-

fraing to the illness of the Crar all the court feles have been abandoned. Remoters and balls that were to have been given by the Am-bassalors in St. letoraburg, have been post-poned for the same reason.

The Hamburg American steamer Norman-nia, which was damaged by a titul wave on Jab. I arrived at Harband's dock, belfast res-terday. She will be repaired in the yards of liariant a Wolff, and probably will be ready for sea by April.

SPARKS FROM THE TELEGRAPH.

By the accidental explosion of a dynamite cartridge on Paturday at noon, two men were alled and three uplated.

James M. McGiarrity of Niagara Falis, a Ledigh Ya-lay figural, was attrong by a companies and chrown index the windsh white training in board a tentral train in Lockshort in Southly blank. He was included in the Another man was kalled at the same semaphore a few words ago.

GEN. VON CAPRIVI'S DINNER

THE PMPEROR AND MINT DEPUTIES AT THE CHANCELLERIE BANGUET

A speech by the Raiser on the Engales Treaty-He Seys its Rejection by the Relebston Would Result in Fine to Account War. The Treaty was Signed Vesterally. Bentry, Feb. 5. - Count von Capricia par amentary dinner, which prelodes the final struggle over the Russian commercial treats. was held this evening at the Chancelor's palace, 77 Withelm strasse. Imperar William was present and talked atmost constantly with other guests. Among the men of Church cank in the company were: Irr. Miguel, Minister of Finance; Freiherr Marschad, von Bieberste a Minister of Foreign Affairs; Dr. von Foettiel Secretary of the Interior Count von Posadote aky, Secretary of the Imperial Treasury, and Herr von Levetzow, President of the Beichstag. Many constituous Deputies niso were present. Toward the close of the dinner Imports William spoke concerning the Russian trails in the Reichstag. He said:

The Reichstag has never before been called

upon to make a decision fraught with such important consequences. It is certain that the rejection of the treaty would be followed speedily by a tariff, and later by actual Let every Deputy realize his responsibliff at this time. I say this now so that n ne may be able to say afterward: 'I did not know

The favorable terms granted to us in the treats which was signed to-day are entire y due to the personal intervention of his Majesty the Czar to his well-known strong love of peace. The treaty bears evidence throughout of that love, which has been strong enough to verthrow the vigorous resistance of manufacturing and commercial interests of

In conversing with several Deputiest the Emperor advocated strongly the passing of the Russian commercial treaty, and emphasized the fact that the rejection of the treaty would have disagrecable political consequences for Germany.

London, Feb. 14. The Berlin correspondent of the Nandard says he has learned from persons directly concerned that the Russian coneessions in the commercial treaty are much greater and more valuable than was expected. The new customs tariff and the text of the treaty will appear in the Reichsanzeiger in a day or two.

FERT LOUD TALK.

Socialist Williams Threatens to Send the Police to Heaven,

Loxpon, Feb. 5.—Another meeting of the un-employed was held at Tower Hill to-day, at which the Socialist leader Williams announced that a demonstration would be made in Trafalgar square on Saturday. He declared that if the police interfered, the procession of the unemployed would send them to Heaven by chemical parcels post. This statement was greated with cheers by the assembled mob. Continuing, Williams declared that a pie-se of explosive the size of a penny, which could be carried in the pocket, would remove two lines of police. Again the crowd broke our into an-predictive cheers, many of them shouling. "It should be done." Williams further said that if the foreign Anarchists reënforce the unemplored, there would be warm work for the police. that if the police interfered, the procession of

MARINE DISASTERS.

The Bolly's Loses Ninety Head of Cattle-

London, Feb. 5 -The British steamer Bolivia, Cant. Baxter, at Glasgow from New York, lost ninety head of cattle on the voyage. The British steamer Norwegian, Capt Christie, also at Glasgow from New York, lost twelve

tie, also at Glasgow from New York, lost twelve head of cattle. Both vessels report having experienced heavy weather.

The British steamer Scota Greys, which sailed from Cardiff on Jan. 11 for Puerto Caballos, has been wrecked at Silver Bank. Her crew have arrived at Porto Flata, Santo Domingo. St. Johns, N. F., Feb. 5.—Intense anxiety is manifested in shipping circles for the safety of the British steamer Barceiona, which sailed from Liverpool for this bort on Jan. 18, and new more than ten days overdue. She has a crew of thirty persons and several passengers.

CHANLER COMING BACK.

Ha Has Been Compelled to Abandon His

ZANZIBAR, Feb. 5.-Advices have been received here from the interior of Africa that Mr. William Astor Chanler, who was in command of an exploring expedition, and who was deserted by most of his porters, is on his way to the coast. He is expected to reach Mombasa on Saturday.

He Does Not Remain an Engitchman. BERLIN, Feb. 5.- The question of the present nationality of the Duke of Saxe-Coburg-Gotha the Duke of Edinburgh), came up in the Reichstag to-day. Herr Robert Friedberg, National Liberal, asked Chancellor von Caprivi whether it was in harmony with German interests that the reigning Duke of Save-Cohurg-

Gotha should be at the same time a Brit-ish subject. He further desired to be informed if a foreigner could become a German sovereign.

The Chancellor replied that the Duke had legally succeeded to the German title and the throne of Saxe-Coburg Gotha, and had thereby became a German. The fact that he thereby became a German. The fact that he was a tierman sovereign excluded the possibility of his being a foreign subject.

Herr Bonin, Secretary of State for the Duchies, said on behalf of the Juke that he was not the subject of a foreign power. He held no obligations toward treat first in that were contrary to his German sovereignty.

Pooling the Transattantic Trade, LONDON, Feb. 5.-The transatiantic steam-

ship companies that are discussing the pooling question include the American, Cunard. White Star, North German Lloyd, and Hamwhite Star, North German Lloyd, and Hamburg-American lines. A conference between the representatives of the various lines was held on Friday, but nothing was settled. The negotiations as far as they have proceeded point to a favorable agreement being reached After another meeting, which will be held here, the date of which has not yet been fixed, a conference will meet in Hamburg.

Italian Asseculate Seateners.

ROME, Feb. 5. - The court martial which is sitting in Massa di Carrara to try the Anarchists implicated in the last outbreak there and in Carrara sentenced to-day seven of the most conspictious leaders. The terms of imprisonment to which they were condemned varied between two and eight rears. The insurgent leader, Nicolini, and thirty-two of his followers, all notorious house railers were arrested yesterday at Noccio, near Farms.

A Catholic Corgress in Rome. ROME, Feb. 5. - A Catholic congress, which was forbidden in Narles, has been summened to meet in this city on the lifth inst. The lope has ordered that the proceedings be private in order not to irritate the Government.

The coldest weather of the winter spread over the States east of the Mississippi protection. The collect was Not below sero at Robbids, Canada. In this if the mercury temped 1.5 shows zero, which was built

the midest so far this winter. The soid will be greatly itsaipsted to day by warrer weather from the central states and by the 122 pressure which is now ever the south Stianto States.

innowing off southerly wonds. It was crisp and clear here yesterday, average ha midty 50 per cent. Wind northwest, average to orbit 14 miles an hour, highest official tempera use 23*

15 3 1054 1 5 00 P M 106 16 10 17 M 106 17 10 17 M 106 12 14 1 M 10 10 10 Average on Feb 5, 18cs

WASHINGTON COMMAND FOR TURNSTAT-For the District of Columbia, eastern Pennsciosus. New Jersey, Delaware, Maryland, and him no 's weather will continue fair with warmer engine will

West Virginia, western Pennsylvania, week is

New York, and Ohio, fair, warmer, such a side.

BRILL THE CROWNING 量 \$3.85 号 is his hat. "The Brill Copyrighted !-SIXTH A both at regards proces both as regards price.